

**FILED**

**OCT 12 2017**

Clerk, U.S. District Court  
District Of Montana  
Billings

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
BILLINGS DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

TIMOTHY DALLIS SWOPE,

Defendant.

CR 16-116-BLG-SPW-2

AMENDED ORDER

The Defendant filed an Unopposed Motion to Continue Sentencing and all Sentencing Memorandum Deadlines (Doc. 85) on October 3, 2017. This Court reset the Sentencing Hearing for **Thursday, December 7, 2017 at 10:30 a.m.** in the James F. Battin U.S. Courthouse, Billings, Montana (Doc. 86). It has been brought to the Court's attention that a draft deadline for the PSR was not included in that Order. Accordingly,

**IT IS HEREBY ORDERED** that the deadlines are amended as follows,

1. The United States Probation Office shall conduct a presentence investigation and prepare a presentence report. Fed. R. Crim. P. 32(c), (d); 18 U.S.C. § 3552(a).

2. The probation officer shall disclose the completed report, except for recommendations of the probation officer, to Defendant, counsel for Defendant, and counsel for the government on or before **October 25, 2017**. The probation officer shall not disclose any recommendation made or to be made to the Court.

3. If restitution is mandatory, the probation officer shall discuss a payment plan with Defendant and shall make recommendations to the Court concerning interest and a payment schedule.

4. Counsel shall attempt in good faith to resolve disputes over any material in the presentence report. Unresolved objections to be relied upon at sentencing shall be presented to the probation officer on or before **November 8, 2017**. U.S.S.G. § 6A1.2. **Any unresolved objections are expected to be included in the pre-sentence report, not in a sentencing memorandum.**

5. The presentence report, in final form, including any unresolved objections, shall be delivered to the Court and the parties on or before **November 22, 2017**.

6. Sentencing memoranda and supporting documents addressing all relevant sentencing issues shall be filed on or before **November 28, 2017**.

Absent good cause shown, sentencing memoranda and supporting documents filed

after November 28, 2017 will not be considered in addressing sentencing issues.

Failure to timely file sentencing memoranda may result in imposition of sanctions against counsel.

7. Responses to sentencing memoranda shall be filed on or before  
**December 4, 2017.**

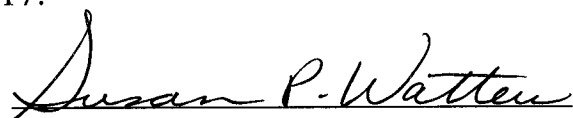
8. Reply briefs will not be accepted for filing in sentencing matters.

9. The Court will resolve objections included in the Addendum to the presentence report at the sentencing hearing in accordance with U.S.S.G. § 6A1.3.

7. All parties that intend to have witnesses testify at sentencing shall give notice to this Court ten (10) days prior to the sentencing date.

The Clerk shall forthwith notify the parties of the making of this Order.

DATED this 12<sup>th</sup> day of October, 2017.



SUSAN P. WATTERS  
U.S. DISTRICT JUDGE